

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DONALD BELL; KATRINA BELL, )  
Plaintiffs, )  
vs. ) CIVIL ACTION NO. 2:05 CV 658-T  
TRAVELERS PROPERTY CASUALTY )  
INSURANCE COMPANY, )  
Defendant. )

**STANDARD FIRE'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW the defendant, The Standard Fire Insurance Company, incorrectly identified in the Plaintiffs' complaint as Travelers Property Casualty Company (hereinafter referred to as "Standard Fire"), and, pursuant to Federal Rule of Civil Procedure 56, moves this Honorable Court to enter an Order granting summary judgment in its favor and against the Plaintiffs because no dispute as to any material fact exists and Standard Fire is entitled to summary judgment as a matter of law on all counts of the Plaintiffs' Complaint. In support of this Motion, Standard Fire states as follows:

1. On September 15, 2004, the Plaintiffs made a claim for property damage under their homeowners policy issued by The Standard Fire Insurance Company.
2. Standard Fire investigated the claim and determined that only a portion of the damages claimed by the Plaintiffs were covered losses under the insurance policy. Standard Fire paid the Plaintiffs for their covered losses.
3. Standard Fire does not dispute that its policy was in full force and effect in September 2004 when the Plaintiffs' home received storm damage from Hurricane Ivan. However, the

undisputed evidence shows that all the damages claimed by the plaintiffs are not covered under Standard Fire's policy.

4. This action is governed by the substantive law of the State of Alabama.

5. The undisputed facts and controlling Alabama law entitle Standard Fire to a final order of summary judgment as to all issues in this case.

6. In support of its Motion, Standard Fire relies on its Brief in Support of Motion for Summary Judgment, the Evidentiary Submissions in Support of its Motion for Summary Judgment filed concurrently herewith, and all pleadings filed in this case.

WHEREFORE, PREMISES CONSIDERED, Defendant Standard Fire respectfully moves this Honorable Court for the entry of an Order granting final summary judgment in its favor and against the Plaintiffs.

Respectfully Submitted,

s/Joel S. Isenberg  
Brenen G. Ely, 0366-E54B  
Joel S. Isenberg, 8855-N76J  
Attorneys for Defendant Standard Fire

OF COUNSEL:

SMITH & ELY, LLP  
2000A SouthBridge Parkway  
Suite 405  
Birmingham, Alabama 35209  
Phone: (205) 802-2214  
Fax: (205) 879-4445  
[bely@smith-ely.com](mailto:bely@smith-ely.com)  
[jisenberg@smith-ely.com](mailto:jisenberg@smith-ely.com)

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and accurate copy of the foregoing has been served on all parties of record by:

- Hand Delivery  
 U. S. Mail  
 Overnight Delivery  
 Facsimile  
 E-File

on this the 14th day of February, 2006.

s/Joel S. Isenberg  
OF COUNSEL

cc:

Jere L. Beasley  
W. Daniel Miles, III  
Christopher E. Sanspree  
BEASLEY, ALLEN, CROW, METHVIN  
PORTIS & MILES, P.C.  
Post Office Box 4160  
Montgomery, Alabama 36103